

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

CrI.MC.No. 2258 of 2006()

ST.76/2006 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOCHI

PETITIONER: ACCUSED

J.BINDU, AGED 32 YEARS,
W/O. RADHAKRISHNAN, THEERTHAM, PADA NORTH,
KARUNAGAPPALLY, NOW WORKING AS ASSISTANT ENGINEER,
AGRO INDUSTRIES CORPORATION, TRIVANDRUM.

BY ADV. SRI.K.ABDUL JAWAD
SRI.S.NIYASUDEEN

RESPONDENTS: COMPLAINANTS

1. SURESH GEORGE, AGED 46 YEARS,
V/303, PIRAVOM-686 664, ERNAKULAM DISTRICT.
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED
SRI.K.SURENDRA MOHAN

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD
ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.2258 OF 2006

Dated this the 30th day of November, 2006.

ORDER

The petitioner faces indictment in a prosecution under Section 138 of the N.I Act. He has come to this Court with a prayer that proceedings initiated against him may be quashed.

2. What is the reason? The learned counsel for the petitioner submits that the allegations are totally false. Signature in the cheque is not disputed. But the said cheque was not issued to the complainant for the discharge of any legally enforceable debt/liability. That cheque was handed over to another person. The petitioner issued a notice to that person and in the reply that person has admitted all the material averments. The petitioner had given a reply to the complainant to the notice of demand. It is, in these circumstances, prayed that the powers under Section 482 Cr.P.C may be invoked and the prosecution quashed.

2. The reasons stated by the petitioner are not sufficient to justify the invocation of the powers under Section 482 Cr.P.C to bring about a premature termination of the proceedings initiated against the petitioner.

3. The contention raised can, of course, be raised in the course of the trial. I am, in these circumstances, not persuaded to invoke the powers under Section 482 Cr.P.C. This CrI.M.C is, in these circumstances, dismissed. I may hasten to observe that the dismissal of this petition will not, in any way, affect the rights of the petitioner to raise all relevant and appropriate contentions before the learned Magistrate in the course of trial.

**R.BASANT
JUDGE**

rtr/